

File

ORDINANCE NO. 681

GRANTING TO ANDREW MEHRER, DOING BUSINESS AS LODI TRANSIT SYSTEM, A FRANCHISE TO CONDUCT, MAINTAIN AND OPERATE ON REGULAR SCHEDULES, INTRA-MUNICIPAL MOTOR BUS LINES FOR THE TRANSPORTATION OF PASSENGERS AND THEIR HAND BAGGAGE FOR HIRE, WHOLLY WITHIN THE CITY OF LODI, CALIFORNIA

The City Council of the City of Lodi does ordain as follows:

Section 1. There is hereby granted to ANDREW MEHRER, doing business as LODI TRANSIT SYSTEM, hereinafter referred to as the Grantee, a franchise to conduct, maintain and operate, on regular schedules, intra-municipal bus lines for the transportation of passengers and their hand baggage, for hire, wholly within the City of Lodi, over, upon and along streets, highways, alleys, boulevards, avenues, roads and other public places therein, subject however to all the covenants, restrictions and limitations elsewhere contained in this ordinance.

Section 2. This franchise is granted on a year to year basis subject to termination at any time by either party upon giving notice in writing 45 days in advance by certified mail to the other of their intention to terminate this franchise.

Section 3. This franchise shall be deemed to have commenced as of July 1, 1960.

Section 4. The fare, one way, over any of the routes and lines established under this franchise, shall not be more than twenty-five (25) cents, the same hereafter to be fixed from time to time by Resolution of the City Council. Children under five years of age, not occupying seats, shall be carried free of charge. Commutation tickets may be issued to persons making twenty or more trips per month, school children and letter carriers under such regulations as the City Council may prescribe by Resolution.

Section 5. Before the operation of any motor bus under this franchise, Grantee shall acquire a policy of insurance

issued by a company authorized to do an insurance business in California wherein said insurance company promises and agrees to pay in full all proven claims for damages to persons **or** property arising out of the operations of Grantee under this franchise. The maximum amount for which such liability shall be assumed for injury **or** death of one person in any one accident shall be at least Twenty-five Thousand Dollars (\$25,000) and injury or death of more than one person in any one accident shall be Fifty Thousand Dollars (\$50,000) and the maximum amount of the liability to be assumed for injury **or** destruction to property in any one accident shall be at least Five Thousand Dollars (\$5,000). Said policy of insurance shall be kept in full force at all times during the life of this franchise and a certified copy thereof filed with the City Clerk.

Section 6. Grantee shall not sell, lease, assign or transfer any of the rights of privileges granted by this franchise unless such sale, lease, assignment or transfer shall have been approved by resolution of the City Council.

Section 7. Should Grantee be adjudicated a bankrupt **or** become insolvent **or** seek the benefits of any act of Congress **or** the State Legislature now **or** hereafter in effect, during the term of this franchise, for the financial relief of debtors, the City Council may, in its discretion, immediately terminate all the rights granted by this franchise upon ten days notice of such election served upon Grantee personally **or** by registered mail.

Section 8. Grantee shall indemnify and save free and harmless the City of Lodi, its officers and employees, from and against all damages, judgments, decrees, costs and expenditures

which it or they may suffer or which may be recovered from or obtained against them during the term of this franchise for or by reason of wrongful acts done by said Grantee or arising from the exercise of any of the rights granted hereby by Grantee, his servants or agents. Any violations of terms of this franchise, may, in the discretion of the City Council, in addition to any penalty imposed herein, entail the forfeiture of this franchise.

Section 9. This ordinance shall be published one time in the Lodi News-Sentinel, a daily newspaper of general circulation, printed and published in the City of Lodi, within fifteen days from its passage and shall be in force and take effect in the manner and at the time herein and by law provided.

Approved this 3rd day of August, 1960.

James F. Culbertson
JAMES F. CULBERTSON, Mayor
Attest: *Beatrice Garibaldi*
BEATRICE GARIBALDI, City Clerk

State of California
County of San Joaquin ss.

I, BEATRICE GARIBALDI, City Clerk of the City of Lodi and ex officio Clerk of the City Council of said City, do hereby certify that Ordinance No. 681 was introduced at a regular meeting of said Council held July 20, 1960, and was thereafter passed, adopted and ordered to print at a regular meeting of the City Council held August 3, 1960, by the following vote:

AYES: Councilmen - Brown, Katzakian, Mitchell, Ullmann
and Culbertson
NOES: Councilmen - None
ABSENT: Councilmen - None

I further certify that Ordinance No. 681 was approved and signed by the Mayor on the date of its passage and has been published pursuant to law.